

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1-3, 8, 9, 11-13, 18, 19, 25, 27-29, 31 and 33 are currently being amended. The amendments to claims 1-3, 8, 9, 11-13, 18, 19, 25, 27-29 and 31 are for the purpose of clarification and to provide consistency between claim terms, and do not narrow the scope of those claims. Claim 33 has been amended to include certain features from claim 1. No new matter is being added.

This amendment changes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-6, 8-15, 17-31, 33 and 34 are now pending in this application.

Rejection under 35 U.S.C. § 112, Second Paragraph

Claims 2, 3, 8-15, 18, 19 and 24-31 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. The claims have been amended to address the issues raised in the Office Action, namely to consistently use the term “protection means” instead of “riser protection means”, and to clarify that the plurality of separate units comprise the plurality of separate hollow elements. Accordingly, applicants respectfully request that the rejection under 35 U.S.C. § 112, second paragraph, be withdrawn.

Double patenting rejection

Claims 17-22 and 24-32 were rejected on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-17 of U.S. Patent No. 7,114,885 (“the ‘885 patent”).

Without agreeing with the propriety of this rejection, and in order to expedite allowance of the application, applicants submit herewith a Terminal Disclaimer with respect to the '885 patent, rendering this rejection moot.

Allowable subject matter

Applicants appreciate the indication that claims 1 and 4-6 are allowed, and that claim 23 would be allowable if rewritten in independent form. Dependent claim 23 has not been amended at this time, because claim 23 depends from claim 17, which is now believed to be allowable based on the filing of the Terminal Disclaimer with respect to the '885 patent as discussed above.

Rejection under 35 U.S.C. § 103

Claims 33 and 34 are rejected under 35 U.S.C. § 103(a) as being unpatentable over WO 01/53651 to Lenormand et al. (hereafter "Lenormand") in view of Official Notice. Applicants respectfully traverse this rejection for at least the following reasons.

Independent claim 33 has been amended to include certain features from claim 1, and as amended, recites a protection means formed of "a plurality of separate units suspended from each other such that they are movable with respect to each other in a lateral and axial direction, the separate units arranged to be movable in transverse direction with respect to the riser." This feature is not disclosed or suggested in Lenormand for reasons analogous to those discussed with respect to claim 1 in the Amendment filed November 19, 2009.

As an initial matter, Lenormand is a French language document. In referring to Lenormand below, applicants refer to the English language equivalent, U.S. Patent 6,712,559.

Lenormand discloses a bottom-to-surface link comprising a riser 1 fitted with four floats 2 constituting a float zone 4 (FIG. 1, col. 7, lines 31-35). The Lenormand floats are configured to stabilize the upper part of the flexible riser 1, and thereby damp the appearance of a combined "guitar-and pendulum" vibration phenomenon (See col. 3, line 56 to col. 4, line 14). Lenormand discloses an embodiment with an additional mass 7 in a bottom float (FIG. 9).

Lenormand, however, does not disclose the feature of claim 33 of “a plurality of separate units suspended from each other such that they are movable with respect to each other in a lateral and axial direction, the separate units arranged to be movable in transverse direction with respect to the riser.”

Indeed, the Patent Office apparently recognized that Lenormand does not disclose the feature of “the separate units arranged to be movable in transverse direction with respect to the riser,” in the Office Action of August 20, 2009, but on page 5 of that Office Action supplied Bennett (U.S. Patent No. 2,419,053) for curing the deficiencies of Lenormand. Applicants respectfully disagree.

Bennett does not disclose the feature of claim 33 of “a plurality of separate units suspended from each other such that they are movable with respect to each other in a lateral and axial direction,” or “the separate units arranged to be movable in transverse direction with respect to the riser” and thus even if Lenormand and Bennett were combined, the combination would not have all of the features of claim 33. Bennett discloses a buoyant electrical cable tube 2 and floats 6 on the tubing. In contrast to the arrangement in claim 33, Bennett discloses that the floats 6 are cemented to the tubing 2 (col. 2, lines 15-18). Because the floats 6 are cemented to the tubing 2, the floats are not movable in a transverse direction with respect to the tubing 2. Further, because the floats 6 are cemented to the tubing 2, the floats are not movable with respect to each other in an axial direction. Thus, even if Lenormand and Bennett were combined, the combination would not have all of the features of claim 33.

The dependent claim are patentable for at least the same reasons as their respective independent claims, as well as for further patentable features recited therein.

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. § 1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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